

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Kristi Caravella/954-797-2099

PREPARED BY: Kristi Caravella, Assistant Town Administrator

SUBJECT: Resolution

AFFECTED DISTRICT: Townwide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: AGREEMENT AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2010 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE BROWARD COUNTY SIXTH CENT LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE (base gas tax).

EXECUTIVE SUMMARY: Broward County collects local option gasoline taxes and distributes these funds between Broward County and eligible municipalities at a ratio of 62.5% County and 37.5% Municipal. The Municipal distribution is calculated in accordance with the population figures set forth in the most current edition of "Florida Estimates of Population," published by the Bureau of Economics & Business Research, Population Division, University of Florida. The "original" local option gas tax agreement adopted in 1983 provides for Cities to receive 37.5% of the proceeds of six cents of gas tax. The 2010 amendment adjusts each City's percentage share of the 37.5% based on updated population figures.

PREVIOUS ACTIONS: Resolutions 2006-150, 2007-136, 2008-92, 2009-094

CONCURRENCES: Requires execution by the County.

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If yes, expected cost: \$

Account name and number:

If no, amount needed: \$

What account name and number will funds be appropriated from:

Additional Comments: Gas tax funds support roadway construction and maintenance operations within the Town.

RECOMMENDATION(S): Motion to approve resolution

Attachment(s): Resolution, Exhibit A - Broward County/ Town of Davie Inter-local Agreement Amendment 2010

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2010 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE BROWARD COUNTY SIXTH CENT LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE (base gas tax).

WHEREAS, on June 14, 1988, the Broward County Board of County Commissioners approved a 30 year extension of the six cent Local Option Gas Tax; and

WHEREAS, the distribution of these funds is adjusted annually to reflect population changes; and

WHEREAS, it is necessary that the Town of Davie approve the execution of the attached 2010 amended Interlocal Agreement to receive a distribution of these funds; and

WHEREAS, the Interlocal Agreement shall be effective June 14, 1988 through June 14, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The appropriate Town officials are hereby authorized to execute the Amendment to the Interlocal Agreement, attached hereto as Exhibit "A".

Section 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2010.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2010.

EXHIBIT A

2010 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

THE TOWN OF DAVIE

providing for

DIVISION AND DISTRIBUTION OF THE
PROCEEDS OF THE LOCAL OPTION GAS
TAX IMPOSED BY THE BROWARD COUNTY
LOCAL OPTION GAS TAX ORDINANCE

This is the 2010 Amendment to Interlocal Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

The TOWN OF DAVIE, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "MUNICIPALITY."

WHEREAS, Section 336.025(1)(a), Florida Statutes, authorizes the counties to extend the levy of the six (6) cent local option gas tax upon every gallon of motor fuel and special fuel sold in Broward County for a period not to exceed thirty (30) years on a majority vote of the governing body of the COUNTY; and

WHEREAS, on June 14, 1988, the Board of County Commissioners enacted Ordinance No. 88-27, effective September 1, 1988, through August 31, 2018, pursuant to Section 336.025(1)(a), Florida Statutes, extending the levy of the six cent local option gas tax for thirty years and providing for a method of distribution of the proceeds of the tax; and

WHEREAS, pursuant to the ordinance, the method for distribution of the proceeds is the execution of an interlocal agreement with one or more of the municipalities representing a majority of the population of the incorporated area within the county which establishes the distribution formulas for dividing the proceeds of the tax among the county and all eligible municipalities within the county, as set forth in Section 336.025(3)(a)1, Florida Statutes; and

WHEREAS, paragraph 4 of the Interlocal Agreement, as amended by the Addendum to the Interlocal Agreement and the prior amendments, requires annual adjustment of the population of the individual municipalities and unincorporated Broward County in accordance with the population figures set forth in the most current edition of "Florida Estimates of Population," published by the Bureau of Economics and Business Research, Population Division, University of Florida; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY and MUNICIPALITY agree as follows:

1. Paragraph 2 of the Interlocal Agreement, as amended by the Addendum thereto and the prior amendments, is amended to read as follows:

2. Sixty-two and Five tenths percent (62.5%) of said Local Option Gas Tax proceeds shall be distributed to the COUNTY, and the remaining Thirty-seven and Five tenths percent (37.5%) shall be divided among and distributed to the eligible municipalities within the COUNTY as follows:

Population of Individual Municipality x 37.5% =
Total Incorporated Area Population

Recipient	FY 2011 Percent Share of Proceeds
Coconut Creek	1.035037%
Cooper City	0.646280%
Coral Springs	2.754051%
Dania	0.614713%

Davie	1.971516%
Deerfield Beach	1.585250%
Fort Lauderdale	3.922589%
Hallandale	0.809773%
Hillsboro Beach	0.048413%
Hollywood	3.073283%
Lauderdale-by-the-Sea	0.128178%
Lauderdale Lakes	0.689866%
Lauderhill	1.385708%
Lazy Lake	0.000844%
Lighthouse Point	0.237194%
Margate	1.152021%
Miramar	2.436940%
Recipient	FY 2011 Percent Share of Proceeds
North Lauderdale	0.894431%
Oakland Park	0.904088%
Parkland	0.511997%
Pembroke Park	0.132335%
Pembroke Pines	3.273583%
Plantation	1.824439%
Pompano Beach	2.144188%
Sea Ranch Lakes	0.015806%
Southwest Ranches	0.185555%
Sunrise	1.932239%
Tamarac	1.280719%
Weston	1.335844%
West Park	0.293922%
Wilton Manors	0.279198%
Total Incorporated	37.500000%

2. The population figures set forth herein are based on the most current edition of Florida Estimates of Population, published by the Bureau of Economics and Business Research, Population Division, University of Florida. In accordance with the population figures, paragraph 3 of the Interlocal Agreement, as amended by the Addendum thereto and the prior amendments, is amended to read as follows:

Recipient	FY 2011 Population
Coconut Creek	47,804

Cooper City	29,849
Coral Springs	127,198
Dania	28,391
Davie	91,056
Deerfield Beach	73,216
Fort Lauderdale	180,706
Hallandale	37,400
Hillsboro Beach	2,236
Hollywood	141,942
Lauderdale-by-the-Sea	5,920
Lauderdale Lakes	31,862
Lauderhill	64,000
Lazy Lake	39
Recipient	FY 2011 Population
Lighthouse Point	10,955
Margate	53,207
Miramar	112,552
North Lauderdale	41,310
Oakland Park	41,756
Parkland	23,647
Pembroke Park	6,112
Pembroke Pines	151,193
Plantation	84,725
Pompano Beach	99,031
Sea Ranch Lakes	730
Southwest Ranches	8,570
Sunrise	89,242
Tamarac	59,151
Weston	61,697
West Park	13,575
Wilton Manors	12,895
Total Incorporated	1,731,967
Unincorporated Area	12,955
Total County	1,744,922

3. Except to the extent amended, the Agreement shall remain in full force and effect. In the event of any conflict between the terms of this 2010 Amendment and the prior amendments, the parties hereby agree that this document shall control.

4. This 2010 Amendment shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population and Broward County have executed this 2010 Amendment prior to June 1, 2010.

5. This 2010 Amendment may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

6. In the event a portion of this 2010 Amendment is found by a court of competent jurisdiction to be invalid, the remaining portions shall continue to be effective.

IN WITNESS WHEREOF, the parties have made and executed this 2010 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY

COMMISSIONERS

County Administrator and Ex-Officio

By

Clerk of the Board of County
Commissioners of Broward County,
Florida

Mayor

____ day of _____, 2010.

Attorney

Approved as to form by
Office of County Attorney
Broward County, Florida
JEFFREY J. NEWTON, County

Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By _____
Al A. DiCalvo
Assistant County Attorney

2010 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD
COUNTY AND THE TOWN OF DAVIE PROVIDING FOR DIVISION AND
DISTRIBUTION OF THE LOCAL OPTION GAS TAX IMPOSED BY THE
BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE

MUNICIPALITY

WITNESSES:

The Town of Davie

By

Mayor Judy Paul

2010. ____ day of _____,

ATTEST:

By _____

Municipal Clerk

—

Municipal Manager

2010.

____ day of _____,

(CORPORATE SEAL)

APPROVED AS TO FORM:

By

Municipal Attorney

AAD:dmv

4/13/2010

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